

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

In re: LAWRENCE AND ODESSA BOYD, Debtor(s).)))))	20-05182 Chapter 13 JUDGE GOLDGAR
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NOTICE OF OBJECTION

The following parties have been served via electronic mail:

U.S. Trustee: USTPRegion11.ES.ECF@usdoj.gov
Glenn Stearns, Ch. 13 Trustee: mcguckin_m@lisle.com

The following party(s) have been served via regular US mail:

Lawrence and Odessa Boyd, 17515 W. Stillwater Ct., Gurnee, IL 60031
Alessandro P. Dinello, President and CEO, Flagstar Bank, FSB, 5151 Corporate Drive, Troy, MI 48098
Marc G. Wagman, Potestivo & Assoc., 251 Diversion St., Rochester, MI 48307

PLEASE TAKE NOTICE that on August 28, 2020, at 9:30am, I will appear before the Honorable Judge Goldgar, or any judge sitting in that judge's plan, and present the Objection to Claim No. 9 (Flagstar Bank, FSB), a copy of which is attached.

This motion will be presented and heard telephonically. No personal Appearance in court is necessary or permitted. To Appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917)746-7476.

If you object to this motion and want it called on the presentment date about, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objections is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Christine H. Clar
Christine H. Clar, A.R.D.C. #6202332

PROOF OF SERVICE

The undersigned does hereby certify that copies of this Notice and attachments were served to the above persons or entities, if service by mail was indicated above, by depositing same in the U.S. Mail at Wheeling, Illinois 60090, before 5:00 p.m. on July 30, 2020 with proper postage prepaid, unless a copy was provided electronically by the Bankruptcy Court.

/s/ Christine H. Clar
Christine H. Clar, A.R.D.C. #6202332
Attorney for the Debtor(s)

DAVID M. SIEGEL & ASSOCIATES, LLC
790 Chaddick Drive
Wheeling, IL 60090
847/ 520-8100
davidsiegelbk@gmail.com

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

In re:)	20-05182
LAWRENCE AND ODESSA BOYD,)	Chapter 13
)	
)	JUDGE GOLDGAR
Debtor(s).)	

OBJECTION TO CLAIM NO. 9 (FLAGSTAR BANK, FSB)

NOW COMES the debtors, LAWRENCE AND ODESSA BOYD, by their attorneys, DAVID M. SIEGEL & ASSOCIATES, LLC to present his Objection to Claim No. 9, and in support thereof states as follows:

1. Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
2. The Debtors filed a Chapter 13 petition February 26, 2020. The case is not yet confirmed. Glenn Stearns was appointed trustee in this case.
3. On May 4, 2020 Flagstar Bank, FSB filed a proof of claim, Claim No. 9 on the Claims Register, for mortgage arrears in the amount of \$6,389.61 (Exhibit A). This claim includes an escrow deficiency for funds advanced of \$1,540.33 and a projected escrow shortage of \$3,589.74, for a total “escrow” amount of \$5,130.07.
4. Debtor, Lawrence Boyd, is a disabled veteran. As such, he does not need to pay property taxes in Lake County, Illinois. (Exhibit B).
5. Exhibit B was sent to the Attorney for Flagstar Bank, FSB, Marc Wagman, on May 19, 2020. Mr. Wagman has asked us to obtain two confirmation continuances to give his client time to resolve this issue. In the last communication we were told that Flagstar Bank, FSB was running a new escrow to remove the escrow amounts, but this would take some time. This was on June 18, 2020.

6. We have not heard back from Mr. Wagman since then, nor has the proof of claim been amended.
7. As a result of the aforementioned, the claim filed by Flagstar Bank, FSB should be disallowed as to the “escrow” amount of \$5,130.07.

WHEREFORE, pursuant to 11 U.S.C. §502(a), the debtors, LAWRENCE AND ODESSA BOYD, respectfully request that this honorable Court enter an order disallowing Claim No. 9 and for such other and further relief as the Court shall deem proper.

Respectfully Submitted,
/s/ Christine H. Clar
Christine H. Clar, ARDC #6202332

DAVID M. SIEGEL & ASSOCIATES, LLC
Attorneys for Debtor(s)
790 Chaddick Drive
Wheeling, IL 60090
847/520-8100

EXHIBIT A

Fill in this information to identify the case:

Debtor 1 Lawrence Boyd

Debtor 2 Odessa Boyd
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Illinois

Case number 20-05182

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Flagstar Bank, FSB

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

☒ No

☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

Flagstar Bank, FSB

Name

5151 Corporate Drive

Number Street

Troy

MI

48098

City

State

ZIP Code

Contact phone 1-800-393-4887

Contact email _____

Where should payments to the creditor be sent? (if different)

Flagstar Bank, FSB

Name

5151 Corporate Drive

Number Street

Troy

MI

48098

City

State

ZIP Code

Contact phone 1-800-393-4887

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☒ No

☐ Yes. Claim number on court claims registry (if known) _____

Filed on

MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No

☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 4 2 5 7

7. How much is the claim? \$ 238,747.56 Does this amount include interest or other charges?
☐ No
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
Money Loaned

9. Is all or part of the claim secured? ☐ No
☒ Yes. The claim is secured by a lien on property.
Nature of property:
☒ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: 17515 W. Stillwater Court, Gurnee, IL 60031
Basis for perfection: Recorded Mortgage
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ 238,747.56
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ 6,389.61
Annual Interest Rate (when case was filed) 4.125 %
☒ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 05/04/2020
MM / DD / YYYY

/s/ Marc G. Wagman

Signature

Print the name of the person who is completing and signing this claim:

Name Marc G. Wagman
First name Middle name Last name

Title Attorney for Creditor

Company Potestivo & Associates, P.C.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 251 Diversion St.
Number Street

Rochester MI 48307

City State ZIP Code

Contact phone (248) 853-4400 Email mwagman@potestivolaw.com

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information	Part 2: Total Debt Calculation	Part 3: Arrearage as of Date of the Petition	Part 4: Monthly Mortgage Payment
Case number: 20-05182	Principal balance: 235,678.97	Principal & interest due: 1,207.31	Principal & interest: 1,207.31
Debtor 1: Lawrence Boyd	Interest due: 1,476.03	Prepetition fees due: 52.23	Monthly escrow: 448.73
Debtor 2: Odessa Boyd	Fees, costs due: 52.23	Escrow deficiency for funds advanced: 1,540.33	Private mortgage insurance: 0.00
Last 4 digits to identify: 4 2 5 7	Escrow deficiency for funds advanced: 1,540.33	Projected escrow shortage: 3,589.74	Total monthly payment: 1,656.04
Creditor: Flagstar Bank, FSB	Less total funds on hand: - 0.00	Less funds on hand: - 0.00	Effective March 1, 2020
Servicer: Flagstar Bank, FSB	Total debt: 238,747.56	Total prepetition arrearage: 6,389.61	
Fixed accrual/daily simple interest/other: Fixed Accrual			

Part 5 : Loan Payment History from First Date of Default

[illegible]

A	B	Account Activity		E	F	G	How Funds Were Applied/Amount Insured					Balance After Amount Received or Incurred				
		C	D	Description	Contractual due date	Pri, int & esc past due balance	H	I	J	K	L	M	N	O	P	Q
Date	Contractual PMT AMT	Funds Received	Amount Incurred				Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal Balance	Accrued interest balance	Escrow Balance	Fees/Charges Balance	Unapplied funds balance
2/1/20	1,305.81			Payment Due	2/1/20	1,305.81						235,678.97		-1,540.33	0.00	0.00
2/26/20			52.23	Late Charge						52.23		235,678.97		-1,540.33	52.23	0.00
2/26/20				Bankruptcy Filed								235,678.97		-1,540.33	52.23	0.00
												235,678.97		-1,540.33	52.23	0.00
												235,678.97		-1,540.33	52.23	0.00
												235,678.97		-1,540.33	52.23	0.00



Pay by mail:
Flagstar Bank • PO Box 660263
Dallas, TX 75266-0263

Loan Number: Redacted

Property Address: 17515 W Stillwater Ct

Escrow Analysis Date: 03/02/2020

New Payment: \$1,656.04

New Payment Effective Date: 03/01/2020

Redacted

LAWRENCE BOYD
17515 W STILLWATER CT
GURNEE IL 60031-4507



Pay by website:
flagstar.com/myloans



Customer service:
(800) 968-7700
Monday-Friday 7:30 a.m.-8 p.m., ET
Saturday 7:30 a.m.-4 p.m., ET

Dear Lawrence Boyd,

Each year Flagstar Bank reviews your escrow account to ensure the correct amounts are being collected to pay your property taxes and homeowner's insurance. In reviewing your escrow account, we found **you're on target**.

Quick breakdown of your Escrow review

Required Escrow Balance	\$3,589.74
Bankruptcy Claim	\$5,031.57
Current Escrow Balance*	-\$1,441.83

You're on target

*Based on all payments and disbursements due being made prior to the new payment effective date.

For more escrow related information, please reference your Bankruptcy documents filed with the court.

Review Your Payment**Old Mortgage Payment**

Principal & Interest	\$1,207.31
Escrow	\$98.50

Monthly Mortgage Payment	\$1,305.81
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New Mortgage Payment

Principal & Interest	\$1,207.31
Escrow	\$448.73

New Monthly Mortgage Payment	\$1,656.04
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Your new monthly payment is effective March 01, 2020.

How Your Escrow Payment Is Calculated

Your new monthly escrow payment is calculated by adding all of your disbursements then dividing this figure by 12 months, which equals \$448.73.

Taxes	\$3,945.66	/12=	\$328.81
Insurance	\$1,439.00	/12=	\$119.92

Escrow Payment	\$448.73
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Determining Your Escrow Surplus

As allowed by the Real Estate Settlement Procedures Act (RESPA), your mortgage documents, or state law, the escrow balance should not go below two months' tax and insurance payments, which is a minimum balance of \$897.46.

Your projected escrow balance in August is expected to be \$4,134.11.

Required Minimum Balance:	\$897.46
Bankruptcy Escrow Claim:	\$5,031.57
Projected Balance:	-\$4,134.11

Equal Housing Lender Member FDIC

(Detach and return the bottom portion with payment. Retain the top portion for your records.)

This space has been left blank intentionally.

Important Information

If you have auto debit for your mortgage payment and have an additional principal amount included, the principal amount will not change but will be added to your new payment amount. To change your monthly principal amount, please submit a signed written request to our Auto Debit Department at: Fax: (888) 548-0528, or Mail: Flagstar Bank, Auto Debit Department, Mail Stop E-115-3, 5151 Corporate Drive, Troy MI 48098

Review Your Upcoming Escrow Account Activity (03/01/20 to 02/01/21)

The items below reflect the payments we expect to receive each month for your escrow account and the payments we expect to make on your behalf for your real estate taxes and/or insurance premiums.

Month	Item Description	Payment to Escrow	Payment from Escrow	Expected Balance	Required Balance
03/20	Beginning Balance			-\$1,441.83	\$3,589.74
04/20		\$448.73	\$0.00	-\$993.10	\$4,038.47
05/20	Taxes	\$448.73	-\$1,972.83	-\$2,068.47	\$2,963.10
06/20		\$448.73	\$0.00	-\$1,619.74	\$3,411.83
07/20		\$448.73	\$0.00	-\$1,171.01	\$3,860.56
08/20	Taxes	\$448.73	-\$1,972.83	-\$2,695.11	\$2,336.46
08/20	Insurance	\$0.00	-\$1,439.00	-\$4,134.11	\$897.46
09/20		\$448.73	\$0.00	-\$3,685.38	\$1,346.19
10/20		\$448.73	\$0.00	-\$3,236.65	\$1,794.92
11/20		\$448.73	\$0.00	-\$2,787.92	\$2,243.65
12/20		\$448.73	\$0.00	-\$2,339.19	\$2,692.38
01/21		\$448.73	\$0.00	-\$1,890.46	\$3,141.11
02/21		\$448.73	\$0.00	-\$1,441.73	\$3,589.84
	Total	\$5,384.76	-\$5,384.66		

Review Your Escrow Account History (05/29/19 to 02/29/20)

The items below reflect the expected activity last year and compare it with the actual payments received and disbursements made.

Last year, we anticipated that payments from your account would be made during this period equaling \$0.00. Under federal law, your lowest monthly balance should not have exceeded \$0.00 or two (2) months of anticipated payments from your escrow account, unless your mortgage documents or state law specifies a lower amount. Your actual lowest monthly balance was -\$2,032.83.

PROJECTED					ACTUAL		
Month	Item Description	Payment to Escrow	Payment from Escrow	Escrow Running Balance	Payment to Escrow	Payment from Escrow	Escrow Running Balance
Beginning Balance				\$0.00			\$0.00
May		\$0.00	\$0.00	\$0.00	\$1,182.00	\$0.00	\$1,182.00
July	Insurance	\$0.00	\$0.00	\$0.00	\$98.50	\$1,439.00	-\$158.50
August	Taxes	\$0.00	\$0.00	\$0.00	\$98.50	\$1,972.83	-\$2,032.83
September		\$0.00	\$0.00	\$0.00	\$98.50	\$0.00	-\$1,934.33
October		\$0.00	\$0.00	\$0.00	\$98.50	\$0.00	-\$1,835.83
November		\$0.00	\$0.00	\$0.00	\$98.50	\$0.00	-\$1,737.33
December		\$0.00	\$0.00	\$0.00	\$98.50	\$0.00	-\$1,638.83
January		\$0.00	\$0.00	\$0.00	\$98.50	\$0.00	-\$1,540.33
February		\$0.00 @	\$0.00 @	\$0.00	\$98.50	\$0.00	-\$1,441.83
Total		\$0.00	\$0.00		\$1,970.00	\$3,411.83	

The item indicated in red is the difference from a previous estimate either in date or the amount. An @ symbol indicates a scheduled payment to or from your escrow account which has not been made. Enclosed you will find a guide and answers to frequently asked questions to further assist you with understanding your escrow account and the terms in this statement.

If you have any questions, visit flagstar.com to chat directly with a support agent or call us at (800) 968-7700.

Questions with regard to a change in your tax payment should be directed to your taxing authority and changes in your insurance premium should be directed to your insurance agent.

EXHIBIT B



Chief County Assessment Office

Martin P. Paulson, M.B.A., M.S.
Chief County Assessment Officer

18 North County Street – 7th Floor
Waukegan, IL 60085-4335
Telephone: 847-377-2050

February 20, 2019

LAWRENCE BOYD
17515 W STILLWATER CT
GURNEE IL 60031

RE: LAWRENCE BOYD
07-08-308-017
17515 W STILLWATER CT
GURNEE

To Whom It May Concern:

This letter is to inform you that an application for the Disabled Veterans Standard Homestead Exemption at a 70% or higher service-connected rating was approved for the tax year 2019, payable in 2020. Because you fall within the requirements stated below the Disabled Veteran Homestead Exemption will make your property exempt from taxation that was based on value.

Requirements:

- You are a legal owner of the property which is also your primary residence
- Assessed valuation of your primary residence is under \$250,000 (\$750,000 market)
- Your overall combined rating of service connected disability remains at 70% or higher
- Application is renewed annually

A tax bill will not be printed, however a notification will be sent from the County Collector stating that no taxes are owed for the tax year.

Please feel free to contact my office with any questions you may have.

Very truly yours,

Martin P. Paulson, M.B.A., M.S.
Chief County Assessment Officer

MPP/cp